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Paper No. 9

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THOMPSON HINE L.L.P.  
2000 COURTHOUSE PLAZA , N.E. IP DEPT/THOMPSON HINE LLP  
10 WEST SECOND STREET  
DAYTON OH 45402

9/13/02 OA?

7/26/02 7/15 petition granted

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In re Application of :  
Keegan, Nagarajan, and Jana :  
Application No. 09/965,142 : DECISION ACCORDING STATUS  
Filed: 27 September, 2001 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. 483471-009C1 :

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 15 July, 2002.

The petition is GRANTED.

Petitioners have shown that the non-signing inventor, Sushil R. Jana, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have established, via the statement of petitioners' registered patent attorney, Mark P. Levy, that a copy of the above-identified application was sent to the non-signing last known inventor's address. The non-signing inventor refused to sign the declaration naming him as a joint inventor along with James M. Keegan and Sundaram Nagarajan, however, by letter dated 5 February, 2002.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Application No. 09/965,142

2

Telephone inquiries related to this decision should be directed  
to the undersigned at 703-308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

#### **409.03(a) At Least One Joint Inventor Available**

37 CFR 1.47(a) and 35 U.S.C. 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited in the U.S. Patent and Trademark Office pursuant to 37 CFR 1.47(a) must meet the following requirements:

(A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

(B) The application must be accompanied by proof that the nonsigning inventor (1) cannot be found or reached after diligent effort or (2) refuses to execute the application papers. See MPEP § 409.03(d).

(C) The last known address of the nonsigning joint inventor must be stated. See MPEP § 409.03(e).